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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 27 November 1997, at 3 p.m.

Chairperson: Mr. CEAUSU

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Uruguay (continued)

* The summary record of the second part (closed) of the meeting appears as document E/C.12/1997/SR.43/Add.1.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Uruguay (continued) (E/1990/6/Add.10; E/C.12/Q/URU/1; HR/CESCR/NONE/97/10 (written replies); HRI/CORE/1/Add.9/Rev.1)

1. At the invitation of the Chairperson, the Uruguayan delegation took places at the Committee table.

Article 7

2. Mr. TEXIER asked why the minimum wage serving as the basis for calculating social benefits was not higher, particularly as most workers earned more than the minimum wage, which would probably pay for about a fifth of the household basket of goods. He would also like to know how the minimum wage was set nationally in different sectors, including the agricultural sector, in view of the comments made on several occasions by the International Labour Organization (ILO) Committee of Experts, which found the consultation process in that regard to be inadequate.

3. In its written replies the Government referred to an agreement concluded on 2 July 1997 to improve safety precautions for construction workers, who would apparently now have some time to check that safety measures had been taken and would be able to stop work at a site in case of serious danger. How were those arrangements being applied? Were similar measures being taken in other sectors?

4. Mr. THAPALIA asked whether the Government had taken steps to consult employers' and workers' representatives when setting the minimum wage, and what measures had been instituted to help low-income groups. How successful had they been? Could those groups be broken down by age, sex and race?

5. Mr. AHMED said that he would like to know the proportion of workers in the agricultural sector relative to the industrial and services sectors. The ILO Committee of Experts, noting that the Government fixed the minimum wage in the agricultural sector unilaterally, had requested it to consult the persons concerned, in accordance with the ILO instruments. Had that been done?

6. Mr. PILLAY, referring to information before the Committee indicating that there had been an increase in the number of accidents at work, asked what steps were being taken by the Government to strengthen the General Labour Inspectorate so that it could carry out its appointed tasks and reduce the number of accidents.

7. Mr. LISTA (Uruguay) replied that the national minimum wage, currently 900 pesos (approximately US$ 100), was indeed low and served as a benchmark for calculating various social benefits, but most workers received higher wages fixed by collective bargaining. In sectors with few or no trade

unions, the State had thus far intervened to enhance protection for workers and had fixed the minimum wage for agricultural workers and home workers. Parliament had before it a bill which aimed to institute new mechanisms for fixing the minimum wage in sectors not covered by collective bargaining, with the sole exception of the home workers' sector, which was not strictly speaking unionized.

8. It was true that the number of accidents at work had at one point increased. Following a series of fatal accidents in early 1996, the Ministry of Labour had adopted Decree No. 89-95 and various enabling decrees which focused on involving the social actors in the inspection of working conditions and the prevention of accidents. Those measures had met with success, even according to the nation's single building industry union, and the number of accidents at work, including fatal accidents, had since fallen considerably. That trend was expected to continue in 1997 with the adoption of the plan to strengthen the General Labour Inspectorate, which was to be provided with the necessary human and material resources to carry out its mission. As a result of the same series of accidents, moreover, the schedule of annual inspections had been reviewed with the aim of reducing the number of accidents at work and strengthening preventive measures. Permanent consultations with employers' and workers' organizations had been established with a view to tripartite action. The number of inspections made by labour inspectors had increased from 2,048 in 1994 to 2,987 in 1995 and 3,688 in 1996. During each inspection, a check was made on the total number of hours worked and on safety precautions in the enterprise. If a breach was observed, a report would be filed and remedial measures would have to be taken. If there was a serious risk, construction work would be stopped wholly or partly, in accordance with Decree No. 680-77. That was an administrative measure and not a sanction. Appropriate administrative action was thus initiated. More often than not, the problem was resolved within a few days. At least three further checks were made after an inspection. However, in the event of a breach of the guidelines laid down by Decree No. 89-95, the legal department would be called upon to determine whether there had been an infringement of the applicable legislation. Any such infringement could result, for example, in monetary sanctions and the closure of the site. The construction site would not be allowed to reopen until the whole matter had been settled.

9. Mr. TEXIER, supported by Mrs. JIMENEZ BUTRAGUEÑO, asked whether the scale of social benefits - currently based on a very low minimum wage and therefore very low themselves - should not be fixed in relation to something other than the minimum wage. Alternatively, could not the minimum wage be raised?

10. Mr. LISTA (Uruguay) replied that pensions were calculated on the basis not of the minimum wage but of actual wages and salaries. The minimum wage used as a benchmark was not necessarily very low.

Article 8

11. Mr. TEXIER inquired whether the rate of de-unionization, on the order of 20 per cent, which had characterized Uruguay since its return to democracy

in 1992 was linked to the crisis and concern for employment, to serious problems of trade union repression, to inadequate protection of union leaders or to other causes.

12. Mr. WIMER said that he would like to know more about the current relations between the trade unions and the political parties at the legal, political and operational levels. What developments had there been in the relationship between the central workers' forum, the main unions and the political parties?

13. Mr. CEVILLE said that he would appreciate more information about trade union rights since, according to some reports, many of the strikes that had taken place in Uruguay were connected with trade union repression.

14. Mr. CEAUSU, speaking as a member of the Committee, asked whether the Uruguayan trade union movement's favourable view of union self-regulation, as mentioned in paragraph 93 of the report, had been expressed by the movement itself explicitly and formally through its duly authorized representatives, or whether the report was giving only the Government's assessment of the attitude of the trade union movement.

15. Mr. LISTA (Uruguay) said that he saw two reasons for the currently low rate of unionization in Uruguay: the poor economic situation, to which Mr. Texier had himself referred, and the growth of the services sector, where technology favoured individualism to the detriment of group interests. As to the trade unions' relations with the political parties, it could be said that the trade union movement in Uruguay enjoyed very great social and institutional standing. The movement was independent and its unity was therefore governed by the legal order without interference from any outside authority. As to trade union rights, Uruguay had ratified the main conventions in that field. A service administered by the labour inspectorate and social security system was responsible for examining complaints of trade union repression and taking sanctions where necessary. The right to strike, although not regulated, was embodied in the Constitution and could be fully exercised.

16. A "social dialogue" had recently been initiated between the main political parties and social actors on specific issues such as productivity, competition and Uruguay's integration within the common market of the Southern Cone (MERCOSUR). It was too early to say what results had been achieved, but there was every reason to be optimistic.

17. Mrs. JIMENEZ BUTRAGUEÑO said that she shared Mr. Wimer's concerns and would like, in particular, to know how trade unions were formed.

18. Mr. CEVILLE said that he would like to have some statistics on the legal proceedings brought in regard to trade union repression and the strikes called in that connection.

19. Mr. LISTA (Uruguay) said that the statistics requested would be transmitted to the Committee as soon as possible. Insofar as the political parties were concerned, the tendency was for workers to join the most left-wing party.

Article 9

20. Mr. AHMED said that Uruguay had always had a very good social security system. However, with expenditures rising and the debt burden becoming heavier, the new Government of President Sanguinetti had been forced in 1995 to restructure the social security system, raising the retirement age and instituting a mixed system. The Frente Amplio, a left-wing movement, had called for a referendum on the restructuring, but their motion had been dismissed by the Electoral Court. In 1996, the Committee on the Rights of the Child had deplored the insufficient public spending on children from deprived social backgrounds. In one particular age group, for example, 4 per cent of children suffered from chronic malnutrition, and inequalities persisted regarding access to education and health-care services. It was difficult to imagine why children should be suffering from malnutrition in a society that was as humane and highly civilized as that of Uruguay. Was the Government intending to increase public spending for the benefit of children?

21. Mr. ADEKUOYE requested the delegation to describe the private social security system, since the information provided in paragraph 119 of the report (E/1990/6/Add.10) was, in his view, insufficient. How was the social security system financed in general, and what was the State's contribution? Was there a contributory system in the public sector and, if so, what percentage was contributed by State employees?

22. Mr. WIMER inquired about the future of the social security system in the short term. Until quite recently, the Uruguayan system had been the best in Latin America, if not in the world. As a result of various problems, however, it had been transformed from a system of solidarity into a system with a purely financial bias, a development that had occurred not without resistance from some quarters. In quantitative terms, what was the current trend in the social security system in Uruguay?

23. Mrs. JIMENEZ BUTRAGUEÑO, associating herself with Mr. Wimer's comments, asked what was the status of workers coming under the transitional arrangements. With regard to the private social security schemes, some reports indicated problems of transparency and viability. Were those schemes well managed and were they solvent?

24. Mr. NADRUZ (Uruguay) said that it would be better to speak of child nutrition rather than malnutrition. The country had a host of institutions, some of them subsidized by the municipalities, which helped to feed children when there was no family solution. In schools, for example, children received up to four meals a day, making it possible to achieve the targeted daily intake of 750 to 950 kilocalories. Even during the school holidays, children could be enrolled in centres which would provide them with all their meals. In addition, a special tax for primary education was levied in Uruguay on all movable and immovable property, except in rural areas. Those tax revenues were very sizeable, totalling about US$ 30 million per year, and were largely sufficient not only for feeding the children but also for providing teaching materials in the primary schools. Lastly, there was a law allowing companies to pay their taxes not to the State but directly to the schools.

25. Mr. LISTA (Uruguay) added that the Ministry of Labour and Social Security included a department called INDA (National Food Institute), which had responsibility for providing food aid to underprivileged groups, giving emphasis to children's needs. INDA, which received the largest portion of the Ministry's budget, had set up a system, in cooperation with some private institutions, whereby social workers studied requests for food aid and agreed on what action to take.

26. With regard to social security, he said that, because of the aging of the population, the ratio of active to non-active members had reversed, necessitating a reform of the social security system. However, no benefit had been stopped or reduced. The new scheme was a mixed system combining solidarity between the generations with compulsory individual saving, the latter being managed by private agencies.

27. Replying to Mrs. Jimenez Butragueño, he said that workers coming under the transitional arrangements could choose either to join the new system or to continue with the earlier one. Under the new system, family allowances had been substantially increased, and the reports of resistance from some quarters were not well-founded. That was evidenced by the number of insured persons, which probably exceeded 500,000. As to the future of the social security system, which troubled Mr. Wimer, the system had only recently been established but its funding was being rigorously monitored with the help of the Central Bank. Replying to Mr. Adekuoye, he said that State employees were certainly contributing to the social security system.

28. Mrs. JIMENEZ BUTRAGUEÑO asked whether the same social security system covered both rural workers and State employees, and whether any worker could join the private scheme. She was concerned about the role of the banks in the social security system, given that they were financial institutions whose main purpose was to make a profit.

29. Mr. BERTHET (Uruguay) said that Uruguay's social security system was unusual and did not resemble that of any other country. The reform had actually helped to preserve the concept of social security in Uruguay, since the previous system had been very badly financed, requiring the community to make good considerable deficits every year. The current system, like any human enterprise, could certainly be improved but it had been very well received by the general public. Concerning the private bodies responsible for administering part of the system, it was important to note that the beneficiaries themselves had chosen a State-guaranteed bank. In any event, the new system had been welcomed, especially by young people, who constituted a large proportion of the persons insured.

Article 10

30. Mr. MARCHAN ROMERO said that the information given in paragraph 129 of the report (E/1990/6/Add.10) suggested that the Uruguayan Government was still making a clearly obsolete distinction between a "legitimate" and an "illegitimate" child. Even the choice of terms betrayed some discrimination. What were the rights of children born out of wedlock? Did they have the same rights as other children and were they not victims of various forms of discrimination?

31. Mr. SADI said he was struck by the number of street children, which was put at more than 20,000. Why had the problem assumed such proportions and had any attempt been made to tackle the root causes? Paragraph 159 of the written replies (HR/CESCR/NONE/97/10) referred to "community assistance without internment". What arrangements had been made to implement that programme? As to the "Pasacalle" project, aimed at transforming the street into a learning environment, was that really an effective and humane solution? Was there a policy on adoption, which would be an alternative solution, particularly for younger children?

32. Mrs. BONOAN-DANDAN asked the delegation to provide her with further information so that she could form a clear idea of the implementation of the economic, social and cultural rights of women in Uruguay. She welcomed the completeness of the data on family violence, which indicated that the incidence of repeat offences was 36 per cent, a very disturbing figure. How was the Government actually helping the victims? With regard to child abuse, what rehabilitation measures were provided for and how successful were they? The delegation had provided a great deal of information about actual cases, but not enough about the measures proposed to deal with them.

33. Lastly, she was struck by the minimum age for marriage, namely 14 years for boys and 12 years for girls. That age limit was very low and she would like to know how many children married at such an age. That question was justified in view of the statistics on cases of divorce.

34. Mr. ADEKUOYE said he understood that the minimum age for admission to employment was 15 years, but that children could sometimes work from the age of 14. Was that actually the case? If so, he would appreciate some information on the circumstances in which such exceptions were allowed. Also, was there any rule defining arduous or dangerous work that children under 18 years of age could not perform?

35. Mr. CEVILLE said he would like to have more information about domestic violence and about the measures being taken by the Government to combat that phenomenon.

36. Mr. GRISSA said he felt bound to underline the lack of any improvement as compared with the previous report. The Committee had asked the same questions and had obtained the same report, which raised the same problems. Accordingly, he would again like to know how the delegation explained the phenomenon of street children in a country that prided itself on its prosperity.

37. Mr. ADEKUOYE said that he would like to know whether the Citizens' Security Act adopted by Uruguay in 1995 had had any impact on domestic violence. Had attitudes changed? Were there more or less complaints?

38. Mrs. JIMENEZ BUTRAGUEÑO said that she, too, would like some information about the Government's efforts to combat domestic violence. Were preventive measures being taken? Were there any awareness-raising campaigns and training courses for persons who had to work with people at risk or the victims (police officers, for example)? She was also surprised to read in paragraph 131 of the report that people could marry so young - at age 14 for boys and 12 for

girls - and also that there was an age difference between boys and girls. Lastly, she would like to know how children born out of wedlock were listed in the civil registry. Was the traumatic label "natural child" or "illegitimate child" used?

39. Mrs. RIVERO (Uruguay) said that the distinction made in the Civil Code between legitimate and natural children was due to the fact that the legislation in question was old; in practice, children were all treated in the same way without any form of discrimination. The only difference in treatment that had originally existed was in regard to inheritance, but that distinction had very long since disappeared. The authorities had not taken action to amend the legislation precisely because no distinction was now made between legitimate and natural children and because the question was not causing concern among the various population groups; they therefore felt that such action was not worthwhile.

40. With regard to domestic violence, the Government had placed emphasis on prevention and had also set up police units to deal exclusively with questions of domestic violence and violence against women. There were also specialist judicial bodies in that field. It should nevertheless be pointed out that such cases were very personal and that when women filed complaints, for example, they generally did not wish to go very far and were reluctant to bringing legal proceedings against their husbands or partners. The State was, furthermore, taking steps to help the most disadvantaged segments of society, since poverty was one of the factors contributing to domestic violence. Abused children could be placed in homes, some of which were subsidized by the State, and parents were sometimes deprived of their parental authority. There, too, considering the personal nature of such matters, the State focused its efforts mainly on prevention.

41. Concerning the age for marriage, she pointed out that children under 18 years of age could marry only with their parents' consent. The ages of 12 and 14 years (for girls and boys, respectively) given in the report corresponded in fact to a biological age, but the number of marriages contracted at such ages was virtually nil. Early marriages took place only in exceptional cases (owing to pregnancy, for example). She would endeavour to obtain statistics on that question for the members of the Committee.

42. Mr. STROZZI (Uruguay) said that, as clearly indicated in the written replies, the figure of 20,131 children related not only to abandoned children, but also to children receiving assistance from the National Minors' Institute, for the reasons explained in the replies. Very few of the street children in Uruguay were really abandoned. Most of them took to the streets for other reasons. They might, for example, be sent out by their parents to beg. The projects being undertaken jointly by the public authorities and some NGOs to combat the phenomenon of street children largely involved encouraging the children to engage in various forms of work or to learn a trade; those projects had met with considerable success.

43. Regarding domestic violence, the infrastructure set up jointly by the State and NGOs made it possible to help the persons concerned more effectively. Child labour was strictly regulated. The maximum working time varied between two and four hours for children under 18 years of age.

Permission was granted by the National Minors' Institute, which made spot checks to ensure that work did not interfere with the children's schooling.

44. Mr. NADRUZ (Uruguay) said that the figures given in paragraph 158 of the written replies should be interpreted with caution and placed in their proper context. The survey had been requested by UNICEF and entrusted to a Uruguayan statistical institute. With regard to child abuse in schools, the most recent survey showed that nearly 90 per cent of children reported that they had never been struck by their teachers.

The public part of the meeting rose at 5.05 p.m.